

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MISSOURI RIVER BASIN BETWEEN MUSSELSHELL RIVER
AND FORT PECK DAM - BASIN (40E)
PRELIMINARY DECREE

CLAIMANTS: Natali Murnion; Leo Murnion; Ben H.
Murnion

OBJECTORS: USA (Dept. of Interior Bureau of Land
Mgmt.); USA (Dept of Interior Fish &
Wildlife Service)

CASE 40E-0212-R-2022

40E 186513-00

40E 186516-00

40E 186519-00

**ORDER AMENDING AND ADOPTING MASTER'S REPORT
AND
CORRECTING ABSTRACT**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 40E-0212-R-2022 was assigned to Water Master Anika M. Stern. Water Master Stern filed a Master's Report on January 30, 2023. On February 6, 2023, the United States of America (Bureau of Land Management) objected to the Master's Report.

The parties in Case 40E-0212-R-2022 stipulated that the volume for claim 40E 186519-00 should be reduced from 960.00 acre-feet to 775.10 acre-feet; the volume reduction was not addressed in the Master's Report. The Master's Report should be amended by adding an additional Finding of Fact stating:

11. Pursuant to the Stipulation, the volume of claim 40E 186519-00 should be reduced from 960.00 acre-feet to 775.10 acre-feet.

Additionally, the Post Decree Abstract for claim 40E 186519-00 should be corrected to reflect the 775.10 acre-feet volume.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above-referenced amendment.

A corrected Post Decree Abstract for claim 40E 186519-00 is served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BETWEEN MUSSELSHELL RIVER AND FORT PECK DAM
BASIN 40E

Water Right Number: 40E 186519-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BEN H MURNION
PO BOX 307
JORDAN, MT 59337 0307

LEO MURNION
PO BOX 307
JORDAN, MT 59337

NATALI MURNION
PO BOX 307
JORDAN, MT 59337 0307

Priority Date: MARCH 19, 1958
Type of Historical Right: FILED
Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING
Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.
Volume: 775.10 AC-FT
Climatic Area: 1 - HIGH
***Maximum Acres:** 337.00
Source Name: LONE TREE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	30	22N	41E	GARFIELD

Period of Diversion: MARCH 15 TO NOVEMBER 15
Diversion Means: DAM
Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	30	22N	41E	GARFIELD

Diversion to Reservoir: DIVERSION # 1
Dam Height: 14.00 FEET
Depth: 11.00 FEET
Surface Area: 16.77 ACRES
Capacity: 73.79 ACRE-FEET
Period of Use: MARCH 15 TO NOVEMBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	67.00		NE	30	22N	41E	GARFIELD
2	119.00		NW	29	22N	41E	GARFIELD
3	45.00		W2NE	29	22N	41E	GARFIELD
4	27.00		NESW	29	22N	41E	GARFIELD
5	28.00		NWSE	29	22N	41E	GARFIELD
6	51.00			28	22N	41E	GARFIELD
Total:		337.00					

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

186513-00

186516-00

186519-00